

# BEDOUIN JUSTICE

LAWS & CUSTOMS AMONG THE  
EGYPTIAN BEDOUIN

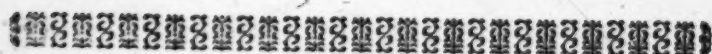
by

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SOMETIME ADMINISTRATIVE OFFICER  
IN THE LIBYAN DESERT  
AND IN SINAI

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## CHAPTER VII

### BLOODMONEY—WESTERN DESERT

000 Payment in Cash—Agreements to pay—Reprisals discouraged—Patricide—Detective Work—Death from Fright—Public Aversion—The twelve-year-old Bill—Informers—Ali Abu Bukr's Cistern—The Broken Rope—Found Drowned—Three Months' Hard Labour—Whose Rope?—Payment—The Old Man who fell off the Wall—The Clutches of the Police—A Well-conceived Lie—Ibrahim's Broken Leg—Ali's Cunning—The Fiasco at the Tomb—Reductions in Payment—The Dead Baby—Amateur Lawyers—The Two Shepherds and the Trespasser—Stick or Stone?—Legal Arguments—Travelling Allowance—Misappropriation—Chaos—Mirtah buys Sheep, while the Sayed buy Dates—The Clash—£300—Abdel Kerim and his Cousin—The Boys Fight—Result of pointing a Gun—Dirty Fingers—Serve him Right—The Two Married Sisters—A Gun Accident—Poor Towida—Successful Bluffing.

682 [171] In the Western Desert the laws of bloodmoney differ  
[435] considerably from those of Sinai, the former being of  
[562] African origin and the latter of Arabian. The Western Bedouin regard the price of a man as £300, irrespective of the market price of a camel; and the value of a woman's life as normally £150, or half that of a man.

682 In the absence of satisfactory evidence in a case of  
695 murder, if the oath be employed to decide the issue, fifty  
562 men will swear for a man's life, and twenty-five in a case involving the life of a woman. (NOTE. In some tribes these numbers are increased to fifty-five and twenty-seven respectively.)

682 As regards the payment and acceptance of bloodmoney,  
621 this is almost invariably by agreement between the families, and it is often difficult for an outsider to see any rhyme or

## BLOODMONEY—WESTERN DESERT 61

reason in three families of one tribe paying together, while the fourth is independent. Sometimes this is caused by geographical separation, at other times by personal animosity or jealousy. 682  
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The main difference between the rules of the Western Desert and Sinai is that in the West reprisals taken at the discretion of an aggrieved individual are not recognised as lawful, and are distinctly discouraged. Generally speaking, the Western Bedou is a very much more prosperous and law-abiding person than the Sinai Arab, although at the same time he retains his charm as a primitive and independent being. Occasionally a dastardly murder takes place, but public opinion is very strong not only against the murderer personally, but against all the members of his family, who automatically share his unpopularity. 682  
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In the spring of 1920 an old man, reputed to possess considerable wealth, both in camels and sheep and also in gold buried in the ground, was returning about mid-day from market riding his donkey, and one of his numerous grown-up sons was walking on foot beside him. After going four or five miles in the open desert, the old man got off his donkey, and told his son to ride for a little way while he walked. The son suddenly attacked his old father and hit him with the heavy stick he was carrying; and the poor old man died almost at once with a broken skull. There was nobody about, and the son dragged his father's body about a hundred yards, and threw it down an old dried-up cistern; then, mounting his donkey, he rode home to dinner.

That afternoon the local sheikh was told of the old man's disappearance, and as he had seen father and son leaving the market together, he had his suspicions. He traced their footsteps, picking up the tracks of a heavily laden donkey and one man walking, from near the entrance to the market place. Then, following along carefully on these tracks, he saw where the old man had dismounted. Then he saw a spot of blood and the place where the

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682 body had been dragged. He followed the footsteps of the  
674 son as far as the cistern, where he again saw a tiny spot of  
fresh blood on one of the stones. From that point donkey-  
tracks led straight to the son's tent.

By nightfall the son was securely lodged in the police  
post; and local public opinion was seething with fury,  
firstly at such a dastardly deed committed presumably for  
the sake of the old man's money, and secondly because it  
reflected untold discredit on the rest of the tribe. The  
murderer, who was a big powerful man of about thirty  
standing nearly six feet in height, lay in prison awaiting  
trial. After a few days he was admitted to hospital, where  
he completely collapsed and died of fright a fortnight  
later.

[203] Rumours then began to spread that possibly the mur-  
derer had only acted in accordance with the wishes of his  
brothers, who were all conspiring to get rid of the old man,  
in order that they might share out his possessions. This  
could not be proved, and appeared unlikely from the  
evidence. However, public feeling against the whole family  
ran so high that it was feared that more horrors might  
follow; but although no open action was taken against the  
family, no opportunity was missed of having a dig at them  
in some way or another.

682 A very wealthy sheep merchant, who was a distant  
674 connection of the family, and heartily ashamed of them,  
691 brought an action for debt against one of the murderer's  
626 brothers. He produced an I.O.U. for £2 dated twelve  
686 years before and signed by the murdered man, claiming  
[672] (according to custom) that the son now in court as de-  
fendant had inherited his father's liabilities together with  
his assets.

This sheep merchant was known personally to the  
writer, who was also aware that a month previously he  
had made a profit of £900 on a very clever bit of dealing in  
the West. The collection, after an interval of twelve years,  
of this paltry debt of £2, owing from the deceased father

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of the present defendant seemed—for a really wealthy man—to be pointless and futile. The merchant anticipated this objection by hastening to add that the receipt of the actual cash did not interest him in the least; but that he had been wondering how he could shew his disapproval of the defendant's family in some way, and had gone carefully through all his old papers and receipts with this end in view, and had triumphantly discovered the bill of debt now produced in court. 682  
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Bedouin Law and custom sometimes accept right to bloodmoney in all sorts of circumstances, when other law would recognise no claim. For example, the principle is accepted that a life lost in prison must be paid for by the informers whose information resulted in the imprisonment of the deceased. It is entirely immaterial whether the information so given to the police was wilfully false or intentionally misleading, or whether it was merely subsequently found to be incorrect. Even if the information had been true and correct in every detail, the informer is still blood-guilty from the Ourfi standpoint, although in actual practice any such claims for bloodmoney, would probably be considerably modified. 671  
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Other claims for bloodmoney are also recognised occasionally, in cases of obvious accidental death, or death by misadventure or Act of God, when the interpreters of Bedouin Law cannot get away from the main principle that a life lost must be paid for. The difficulty in these cases is to determine who shall pay for it; and the lawsuits usually end in a clever compromise, in which their essential principles are duly observed, but their judgments are mitigated and modified by leniency and commonsense. The following example, which occurred recently in Mariut, will illustrate this. [695]

A certain Arab called Ali Abu Bukr had inherited from his father large cultivation rights in the desert; and in the middle of this land was an old cistern for the collection of rain water. It had not been used for years, and was silted 671  
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671 up with drift sand; and as it was some miles from the  
672 nearest permanent water supply, the owner of the cistern  
682 decided that it was well worth clearing out, with a view  
312 to catching and conserving the next rainfall.

Accordingly he summoned all his kinsfolk, and propounded his proposition, to which they agreed. Other Arabs occupying neighbouring rights suggested that it was a very good idea, probably with a view to a simplified water supply for themselves.

671 An Arab from the neighbouring tribe called Ahmed  
672 had frequently acted as shepherd and odd-job man for  
682 Ali; and it happened that, when Ali and all his kinsfolk were assembled at the cistern, Ahmed chanced to be passing. Ali hailed him, and asked him to come and lend a hand. So Ahmed joined the crowd at the well, and assisted in getting ready the ropes and other tackle to be used.

[312] The cistern, constructed after the usual Roman pattern, was about forty feet deep, fifteen feet in diameter for the first twenty feet or so, and from there narrowed down to six or seven feet, with footholes cut in the side for the last half. One of Ali's relatives had agreed to be let down with ropes and to start cleaning out the mud and sand from the bottom. However, when the rope had been tied round his middle, and he was just going to be swung in mid-air and lowered to the ledge at half-way, his nerve suddenly failed him, and he refused to start.

Subsequent evidence was confused at this point as to exactly what happened; but it seems that one of the crowd noticed Ahmed standing with the rest, and remarked that he had had considerable experience in well digging, and suggested that he should go down. Accordingly Ahmed flung a stone down the well, and a faint splash at the bottom indicated that there were a few inches of water in it. He then organised a sort of tug-of-war among the men standing by, to test the strength of the rope. Satisfied on this point, he had the rope tied round him, and he was

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lowered very slowly and carefully by the crowd at the top. Here again it is difficult to ascertain exactly what happened, as the evidence was again contradictory. Apparently, when Ahmed reached the ledge at half-way, he fumbled about in the dim light for the foot holes; and just at this psychological moment the rope broke. 671  
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The ten men holding the rope at the top collapsed one on the top of another; but when they had recovered their presence of mind, they shouted down to Ahmed, to ask if he were all right. A faint voice from the bowels of the earth replied that he had fallen heavily on a stone and had had a nasty knock, but that he would be all right in a few minutes.

They then produced a spare rope for another man to go down and get Ahmed up; but they discovered that the only one they had to hand was too short by several feet. A man was sent post-haste on a pony to get another rope from the encampment a mile or so away, and when he returned after a quarter of an hour, volunteers were quickly forthcoming to go down and retrieve Ahmed. On reaching the bottom they found that the unfortunate man, either stunned by the fall or overcome by foul air, had collapsed flat on the bottom of the well, and had been drowned in six inches of water. They hauled his body up to the surface, and Ali, terrified that he might be held in some way responsible, counselled all present to bury the dead man then and there, and to say nothing about it. However, news quickly spreads; and the same day an informer came to the police post and reported the matter, and Ali was arrested and subsequently sentenced to three months' imprisonment with labour by the present writer, for failure to notify a death under unusual circumstances. (Incidentally this did not constitute an offence under Bedouin Law, but was a contravention of the Police Code and was punished as such. Hence the apparent interference in a purely Bedouin concern.) [123]  
[177]

While Ali was still serving his sentence, Ahmed's rela- [694]

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671 tives lost no time in taking legal proceedings at the Ourfi  
672 court to claim bloodmoney from the owner of the cistern;  
682 and on Ali's release from prison a very long and excessively  
694 tedious lawsuit began.

The principle that a life had been lost and must be paid for was accepted without question by the court from the outset, in spite of the police enquiry, which is the local equivalent of a coroner's inquest. The enquiry had established beyond any shadow of doubt that death had been caused by misadventure, and that Ali was absolutely innocent, not only of any intent to kill, but also of any negligence whatsoever. Any other coroner's jury in the world would have returned a verdict of accidental death, expressed sympathy with the relatives, and absolved all concerned from blame; and there the matter would have ended.

671 Ali, who had already undergone three months in durance  
672 vile—which, to a wandering child of the desert, must be  
682 particularly galling—so far forgot any tribal instruction he might have had as to repudiate vigorously any responsibility either for the accident or for the restitution of the death in the form of bloodmoney. His family also, who would naturally have to share the payment, did their best to confound the issue by lodging a counter claim. They protested that the actual rope that broke was not theirs, but belonged to a third party, and that neighbouring tribes, who had approved of the project and who stood to benefit by the cistern when it was cleaned out, were conjointly responsible with themselves for any payment due.

The case dragged on unsatisfactorily for some months; the neighbouring tribes swore that no agreement existed whereby they should benefit by the cistern when completed; the question of the ownership of the rope was dropped; and eventually Ali and his family were ordered to pay a reduced scale of bloodmoney to the family of the deceased.

683 Sometimes these bloodmoney cases, so far from being  
692 dramatic or nauseating, are actually rather amusing.

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The plaintiff was an Arab called Salem Ibrahim, who brought an action against a man of another family of his tribe called Ali. The plaint was as follows. Seven years ago Salem's father Ibrahim, a man then about sixty years old, was sitting on a wall near a patch of cultivation belonging to Ali, and watching Ali working on his land. Some dispute arose between them; and, angered at something that Ibrahim had said, Ali picked up a large stone and flung it at Ibrahim. The impact broke the old man's leg; the case was reported to the police; Ali was arrested and imprisoned; and Ibrahim was taken to hospital, where he shortly afterwards died. Ali was thus left in prison, and the case could not be proceeded with from the Ourfi standpoint until he came out. On his release, therefore, the case was to be brought up for settlement, and the plaintiff to claim bloodmoney for his father's death. 683 [694] 682 692

Meanwhile, however, plaintiff related how his own family had wanted to get the case cleared up and how Ali's family had also approached them with the idea of extracting Ali from the clutches of the police, so that the case could be tried by an Ourfi court, and a judgment which would be intelligible and acceptable to both parties could be given by their own sheikhs. 683 682 694 692

Accordingly they agreed together that the plaintiff's family should go to the police, declare that the whole case was a mistake from beginning to end, and that the old man Ibrahim had fallen off the wall, and that nobody had thrown a stone at him. A document to this effect was drawn up, signed and sealed by the notables of Ibrahim's family, and solemnly presented to the police. The evidence seemed so genuine that Ali was released from prison, with implied apologies for wrongful arrest. On his release from prison Ali saw his opportunity, and by some means obtained possession of this document signed by Ibrahim's family.

When the case first came up for trial by Ourfi court, Ali denied throwing the stone, repudiated all responsibility

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682 in the case, and produced this document signed by Ibrahim's  
683 family to the effect that Ibrahim *fell* off the wall and broke  
682 his leg. How then could he possibly be implicated in the  
694 case?

683 The assessors of the court went carefully into all the  
682 evidence and eventually agreed that the matter should be  
672 decided by the oath. They demanded that Ali, backed by  
695 twenty-five men of his own tribe, chosen by Ibrahim's  
family as men of their word, should swear on the tomb  
of Sidi Shar el Ruh the following oath: "By Allah the  
Great and by the Truth of this Holy Sheikh, I swear that  
I neither threw a stone at Ibrahim, nor broke his leg."  
They further decreed that if Ali himself, or any one of  
the twenty-five men chosen to back him in his oath, failed  
or refused to swear as required, the case for the defence  
would be null and void, and that bloodmoney would be  
required in full from Ali's family.

On the date appointed two or three sheikhs of the court  
were detailed to go to the tomb, to meet the defendant  
with his twenty-five backers, and to supervise the taking  
of the oath. The parties duly arrived; but when the oath  
was just about to be taken, three men of Ali's backers  
refused to swear, declaring that on the contrary they were  
ready to swear, if required, that Ali *had* thrown the stone,  
and was responsible for Ibrahim's death. The case for the  
defence thus fell to the ground, and the parties were warned  
to appear at a future date, when the case would be com-  
pleted. At the next meeting of the court, Ali's liability to  
pay bloodmoney was accepted in principle, but there were  
divergencies of opinion as to the amount to be paid. Then  
followed a delightful example of casuistry typical of the  
Bedou mind.

The assessors of the court felt that, in the first instance,  
Ali had never intended to kill poor old Ibrahim, and that  
his crime fell very far short of intentional homicide. Also,  
it had happened seven years before, and, all said and done,  
time had healed most of whatever ill-feeling there ever

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had been. Besides, Ibrahim was an old man when it happened, and he would have to have died before very long in any case. Moreover, the sheikhs in their heart of hearts considerably admired the acumen displayed by Ali in getting hold of that document. So they decided privately among themselves that on the whole half the full blood-money, or £150, would meet the case. On no account, however, could they give in open court the above reasons for lessening the sum to be paid. They proceeded to listen patiently to more evidence, and eventually gave their considered judgment as follows:

"Defendant Ali is required to pay the full bloodmoney of £300. *But* in view of the fact that, when the police came to Ali's tent to arrest him seven years ago, in the excitement and commotion caused by the police patrol, Ali's wife gave birth to a premature boy child, and that this boy subsequently died, therefore the sum of £100 will be deducted from the total to be paid, for the sake of the dead baby. Also, as it cannot be proved conclusively that Ibrahim died simply and solely as the result of the stone thrown at his leg, and as it may be conceivably possible that other external causes contributed to his death, for this reason, therefore, another sum of £50 will be deducted. Hence the amount to be paid is £150, of which £50 must be paid after this coming barley harvest, with a similar sum after the two following harvests."

Amateur lawyers are not popular, and more often than not darken counsel without understanding.

An Arab called Salem had some land, and he employed two men of the Hawita tribe as shepherds and harvesters. One of these men was from the Nefoofa family of the Hawita, and the other was from a family called the Magai. These two shepherds worked peacefully together, and their respective families were friendly, until one day an Arab of the Gottaan tribe called Yadam Saadi drove his flocks and his animals on to Salem's land, and began to pitch his tents. These two shepherds saw this going on from afar, and

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682 came up to drive him and his animals away. Yadam re-  
 672 fused to move, and threatened violence if they attempted  
 to eject him forcibly. So the two shepherds, who were  
 responsible to their employer for the land, went for him  
 simultaneously—the Nefoofa shepherd with a thick stick,  
 which he brought down with all his force on Yadam's head,  
 and the Magai with a large stone, which he hurled as hard  
 as he could, and which caught Yadam in the chest over  
 the heart. Yadam received both these blows simultaneously,  
 collapsed on to the ground in a crumpled heap, and died  
 soon afterwards.

682 Yadam's family then brought an action against the  
 672 Nefoofa and Magai families conjointly, claiming blood-  
 693 money. The Nefoofa produced an amateur barrister of  
 695 their own family called Abd el Gelil, who proved (entirely  
 to his own satisfaction) that many minor assaults were con-  
 tinually taking place, when people were hit on the head  
 without death following immediately as the result of the  
 blow. He therefore contended that it must have been the  
 blow from the stone thrown by the Magai which had really  
 killed him. The Magai adopted a similar line of argu-  
 ment, and the case remained at a standstill for nearly two  
 years.

Eventually the court effected a compromise, and awarded  
 the bloodmoney, to be paid equally by the Nefoofa and the  
 Magai in three yearly instalments of £50 each. The Magai  
 paid up their £50, and the Nefoofa barrister—a particu-  
 larly bumptious individual from the Nile Valley—lodged  
 a protest against the decision, claiming that the court was  
 not properly constituted and was not competent, that the  
 sheikhs were biassed, and a hundred and one reasons why  
 the Nefoofa should not contribute their share.

He was eventually made to understand that the Nefoofa  
 would have to pay, and that if there were any more trouble  
 from him, his own property would be seized as part-  
 payment. Accordingly Abd el Gelil travelled round the  
 Nefoofa encampments, ostensibly to collect sums due from

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the different families. A year later the Gottaan brought up the case again, acknowledging the receipt of £50 from the Magai, but protesting that they had still not received anything from the Nefoofa. On an enquiry being held, a representative collection of infuriated members of the Nefoofa family came to court, protesting that Abd el Gelil had already collected their payments, and that if he had not handed over the money, their responsibility at any rate had ended for the moment.

It subsequently transpired, when Abd el Gelil was with difficulty got hold of and brought to court, that he had collected about £50, but claimed this sum as his own personal travelling expenses for collection. Then followed another lawsuit, in which the Nefoofa family sued their self-appointed lawyer for mis-appropriation of tribal funds. The details of this new case, and those of the original suit, were then re-capitulated and muddled up together, to the complete bewilderment of the writer and the entire satisfaction of the Bedouin assessors.

Mention has been made of the extra £100 (£400 instead of £300) usually paid among the Gawabees tribe as the price of a life. It seems, however, as though there are exceptions to this rule; and the following case seems to shew that the payment of "Sanaa" depends on a variety of circumstances.

A family called Sirdani had had a bloodfeud with another family of the Gawabees called Sayed, one of the former having killed one of the latter some fifty years ago. The two families had been living in totally different districts, and for years had not come into contact with each other, and so the feud had been allowed to continue.

In the spring of 1921 a man of the first family, about forty-five years old, called Mirtah el Sirdani, left the Wadi Natrun for the Nile Valley to buy some sheep from the Fellaheen, taking with him his old mother and a small boy, to help him bring them back across the desert to the luscious grazing in the wadi swamps. He arrived at the

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682 Cultivation, bought his sheep, and started off westwards  
628 to the wadi.

672 By a sheer coincidence, four men of the other family had left their camping ground a fortnight before, and had gone south on their yearly pilgrimage to Baharia Oasis to bring back dates. On leaving the oasis, they had later arrived at the wadi, watered their camels, and pushed on northwards to their camping ground. About one and a half days' trek north of the wadi, about half an hour before sunset, they saw in the distance a cloud of dust advancing towards them, out of which gradually emerged a flock of sheep, an old woman, a man, and a small boy.

According to the subsequent evidence of the mother, her son Mirtah drove his sheep unconcernedly, not noticing with the rays of the setting sun in his eyes who was with the approaching camels. When they drew near he called out the usual greeting, "Peace be upon you"; but instead of the stereotyped reply, two of the camelmen suddenly leapt from their camels with heavy sticks in their hands, and rushed at Mirtah. The old mother and the small boy began to run away, while the frightened sheep scattered in all directions. Mirtah was entirely unprepared for any assault, and before he realised what was happening, he had received two thundering blows on his skull from the two men, who immediately afterwards remounted, and rode away.

Mirtah fell stunned; and as soon as his assailants had gone, his mother and the boy ran to his assistance. After a few minutes Mirtah staggered to his feet in a dazed sort of way, cursed his aggressors, whom he had recognised as belonging to the Sayed family, and said that he would be able to continue slowly. He managed with the help of his mother and the boy to cover two or three miles, but was overcome by pain and loss of blood, and again collapsed. His mother with the sheep remained by his side, and sent off the boy to the Wadi to get assistance to bring him in. Fortunately, after running a few miles, the boy came across some

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members of a neutral family with grazing camels, and with their help Mirtah was fetched in to the Wadi unconscious. 682

The case was reported to the police, but a few hours after his arrival in the Wadi Mirtah quietly died. 628  
The post-mortem examination revealed a skull cracked right across, with severe cerebral haemorrhage. 672  
In due course the Sirdani family claimed £400 bloodmoney from the Sayed family, according to the custom among the Gawabees tribe. This time, however, an exception was made. The sheikhs decided that the ordinary bloodmoney of £300 only should be paid by the Sayed to the Sirdani family, £100 in money and £200 in kind, divided into six yearly instalments of £50 each.

They also added a rider to the effect that they were not awarding Sanaa under the circumstances, as there was no proof of intent to kill, and that weapons such as guns or knives (which would imply premeditation) were not used. The presumption was that the Sayed family, though obviously intending to cause grievous bodily harm, did not intend to kill Mirtah. The fact that he died of his wounds automatically warranted the award of £300 as bloodmoney, but did not constitute sufficient justification for the imposition of the extra £100 as Sanaa.

In Common Law it is not always easy for the uninitiated to understand the legal value of a threat, or what proportion of the punishment for the completed action is due for a mere threat. 671  
It was singularly pleasing, therefore, to find a striking instance of a threat to shoot, and to see the attitude of the Bedouin court towards this particular offence. 683

An Arab called Abd el Kerim was tolerably well-to-do, 233  
and owned several camels, a mare, fair-sized flocks of sheep and goats, and certain cultivation rights; and he had 685  
two sons aged about sixteen and eighteen respectively. His cousin, Abd el Salam, who lived half a mile away, had four sons of ages ranging from fifteen to twenty, but he was considerably poorer in this world's goods. Abd el Kerim's sons took their camels out to graze, and inadvertently

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233 wandered over the boundary of Abd el Salam's grazing  
685 rights. The juvenile members of Abd el Salam's family  
[578] came out from their tents in a body, to drive off their  
intruding second cousins with their camels. An altercation  
ensued, and the excitement grew; and eventually a pitched  
battle with sticks and stones began among the lads.

683 One of Abd el Kerim's sons, leaving his brother to hold  
on for a moment, ran back the half mile to call his father,  
who returned with him to the scene of the fight carrying  
his gun. On arrival at the camels, Abd el Salam's sons  
set on him in a body. Abd el Kerim pointed his gun at  
one of them and took aim; whereupon one of the other  
family from behind laid him low with a blow on the top  
of his head, sufficient to fell an ox.

[114] Abd el Kerim was carried back to his tent, where the  
writer witnessed the horrible sight of sympathetic but  
homicidal relatives pawing his open wound with their filthy  
fingers. A large hole had been knocked in the side of his  
head, and portions of brain were visible. After some  
months of surgical treatment Abd el Kerim came out of  
[694] hospital; and, as the blow was reported to have affected  
his reason, a case was brought on his behalf by some of his  
relatives, claiming damages from the family of Abd el  
Salam. However, before the case was fully completed,  
[682] Abd el Kerim was taken ill, was re-admitted to hospital,  
and died. The case therefore became one of bloodmoney,  
and was dealt with in the usual way.

683 The interesting point about the case, however, lies in  
682 the decision of the court, when the first claim for damages  
695 was brought up. A very strong line was adopted by the  
672 sheikhs, and in the opinion of the court the wounds re-  
ceived by Abd el Kerim were only what he might reason-  
ably expect. They maintained that, after the way in which  
he had behaved, he was lucky to have got off as lightly as  
he did. The sheikhs protested that he ought never to have  
gone out from his tent, and mixed himself up in a fight  
between a lot of boys. If he had any authority at all, he

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should have called a meeting with Abd el Salam, discussed the position sensibly with him, and then the two of them should have beaten all the boys soundly. Secondly, he ought never to have taken his gun with him, which was as stupid as it was dangerous. The fact that Abd el Kerim himself knew that it was not loaded made not the slightest difference to the case, as the boys did not, and could not, know whether it was loaded or not. As one of the sheikhs expressed it, "If you point a gun at me, loaded or unloaded, I'm not going to risk it. So if I retaliate by braining you, then that's your fault—not mine!"

As compared with some of the customs obtaining among the Sinai Arabs, the following case among the Aulad Ali in the Western Desert is illuminating, and will be quoted in full. The question of who is "chief mourner" of the deceased, and who draws the largest share in a bloodmoney case varies considerably between the tribes of Arab and Berber origin. Among the Aulad Ali a woman killed is automatically half the value of a man, whereas among the Arabs the value of a woman depends on a variety of conditions.

A man called Idris had two daughters, Towida and Beida. Beida married a man called Korayem Shushan of the Gereidat tribe, and Towida married Farag Gueida of the Mowalik tribe. A son had been born to Towida and Farag called Lataif Farag; and when Lataif was about four years old, his parents quarrelled about some trifling matter, and Farag divorced Towida. Two months after this, Towida went to spend a day or two with her sister Beida and Korayem, and it was while sitting alone in their tent that the accident happened which was the cause of this lawsuit. It seems that Korayem had left a loaded gun tied up with cord to the roof of the tent, suspended from the poles. While Towida was sitting there, a sudden gust of wind got up, and shook the tent violently. As the tent rocked in the wind, the gun came tumbling down on to a wooden chest between the poles; the impact fired the

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682 charge, which hit Towida at a range of only a few feet,  
672 with fatal results.

682 Farag, who had divorced her two months before,  
672 brought a claim for bloodmoney from Korayem; but when  
695 the case was heard, Korayem denied that the accident had  
happened in his tent. The assessors of this first court,  
which was held soon after the accident, demanded that  
Korayem should swear, backed by twenty-five men (i.e.  
half the full number of fifty, as Towida was a woman),  
that the accident did not take place in his tent. Then  
[671] followed an example of one of the very unsatisfactory  
points in Bedouin Law.

Korayem, who was a powerful man belonging to the  
Gereidat, who were in turn a powerful family, managed  
to persuade the court to cancel their judgment requiring  
the oath from himself and his twenty-five backers, and to  
agree to a settlement whereby he should pay £10 and be  
absolved from the necessity of taking the oath. The court  
accepted this agreement, and proceeded to examine the  
claims to the bloodmoney.

682 The Moslem Law of Divorce provides that when a man  
672 divorces his wife, the decree does not become absolute for  
695 three months, in order that it may be ascertained whether  
the woman be pregnant by her lately divorced husband.  
671 Towida had only been divorced two months before the  
586 accident; so the question had to be decided whether Farag  
were legally her husband or not at the time of her death,  
for purposes of receiving a share of the bloodmoney. If so,  
he should receive one quarter; but there seems to have  
been some difference of opinion on this point among the  
assessors of the court, and the whole matter was shelved.

682 Seventeen years afterwards, Lataif Farag—then a man  
672 of twenty-one—re-opened the case, claiming his mother's  
695 bloodmoney. In support of his claim he produced three  
694 witnesses. The first was Farag himself, who was prepared  
to swear that he had seen Towida lying dead in the tent of  
Korayem. The second was Towida's brother, who was

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prepared to swear that he had been called in; and had seen his sister dying in a pool of blood in Korayem's tent. The third was a stranger who had been passing at the time of the accident, had heard the shot, had gone into Korayem's tent, and had seen Towida lying on the floor in a dying condition. The newly-constituted court probed this evidence, without actually demanding the oath from these three witnesses, and arrived at the following conclusions:

1. That the facts of the case were common knowledge, and were as Lataif claimed.
2. That Korayem never really intended to swear that the accident did *not* happen in his tent, but had succeeded in bluffing the previous Court. This was made possible by the fact that Korayem's family were strong, and Farag's were weak.
3. That half the price of a man—i.e. £150—should be the bloodmoney in this case, provided that Farag could produce satisfactory evidence on oath that:
  - (a) the gun belonged to Korayem,
  - (b) the accident took place in Korayem's tent.
4. In the event of these conditions being met, Lataif Farag should receive five-sixths of the £150; and, provided that they swore the above oath backed by four others, Towida's father and mother (if alive) should receive the remaining one-sixth.

Generally speaking, this judgment appeals to an outside observer as eminently sensible and just; and if only the matter had been left at that, and the judgment had been enforced, all would have been well. Unfortunately, however, various influences again crept in to interfere with the decision of this second court. The accident had then happened about eighteen years before; the first court had been bluffed by Korayem; after an interval of seventeen years the second court gave their very reasonable judgment; and then for some reason unexplained the case was again shelved, and the judgment not executed. For the third

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682 time the case was re-opened, after a further interval of some  
672 years since the second judgment. By this time nearly all  
695 the assessors and witnesses of the first Court were dead,  
694 rumours had been spread that the gun belonged to a stranger  
who had left his gun in Korayem's tent, and should therefore pay his share of the bloodmoney, and so on.

The Gereidat family again succeeded in confusing the case, and in prejudicing the issue in their favour; and the third court gave the following decision, to the disgust of interested followers of this rather remarkable lawsuit. They decided that no evidence existed to shew what happened in Korayem's tent, and that no oath was necessary, maintaining that in the absence of any proof whatsoever Farag had no claim. They further ordered a new distribution of the reduced scale of bloodmoney proposed, whereupon the proceedings became completely involved and absolutely unintelligible.

682 The above events point out unmistakably the weak  
672 spots in the Ourfi system. Korayem's family were strong,  
695 and on two occasions were successful in evading just decisions against them; while the weak family with a strong case had to see justice perverted.

695 When the considered judgment of an Ourfi Court  
182 receives authority for prompt and immediate execution  
648 from the Government and the police, the Ourfi system is probably the nearest possible approach to the ideal, consistent with the conditions prevailing. But it is an undeniable fact, which must be faced, that without the moral backing of the Civil Power behind the judgments of the Bedouin Courts, miscarriages of justice are possible, and do actually take place.

8: Kennett

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[ For information on internal antagonisms within the society which have led to bloodshed and death, see Categories 682 and 683. ]